

DECLARATION
and POWER OF ATTORNEY

ORIGINAL
 CONTINUATION
 DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed as 1 below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPLANTABLE GLUCOSE SENSOR,

the specification of which is attached hereto unless the following box is checked:

was filed on September 14, 1998 as United States Application Number or PCT International Application Number: 98/389,459
and was amended on November 3, 2000 and April 4, 2001.

My residence, post office address and citizenship are as stated below next to my name.

I acknowledge my duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). I hereby state that I have reviewed and understand the contents of the above identified specification including the claims, as amended by any amendment referred to above. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Serial No.) (Filing Date) (Status)

POWER OF ATTORNEY: As a named Inventor, I hereby appoint the following attorney(s) and/or Agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

J. William Wigert, Reg. No. 24,882; JoAnne Redmann, Reg. No. 31,483; Stefan J. Kirchanski, Reg. No. 39,688; Nathan P. Koenig, Reg. No. 38,210; Doyle B. Johnson, Reg. No. 39,240; John W. Carpenter, Reg. No. 39,129; and Tobi C. Clinton, Reg. No. 43,553

Send correspondence to:

Customer Number 28983



CROSSBY, HEAFAY, ROACH & MAY
1901 Avenue of the Stars, Suite 700
Los Angeles, CA 90067

DIRECT TELEPHONE CALLS TO:
Stefan J. Kirchanski
310-734-6304

Please Print)

1	Name of Inventor <u>Leland C. CLARK, Jr.</u>	Residence CITY <u>Cincinnati</u>	STATE or COUNTRY <u>Ohio</u>
	Post Office Address <u>218 Greendale Avenue, Cincinnati, Ohio 45226-1226</u>	CITIZENSHIP <u>USA</u>	
2	Name of Inventor	Residence CITY	STATE or COUNTRY
	Post Office Address	CITIZENSHIP	
3	Name of Inventor	Residence CITY	STATE or COUNTRY
	Post Office Address	CITIZENSHIP	
4	Name of Inventor	Residence CITY	STATE or COUNTRY
	Post Office Address	CITIZENSHIP	

I further declare that all statements made herein of my own knowledge are true and that all statements made or information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1 <u>Leland C. Clark, Jr.</u>	SIGNATURE OF INVENTOR 2
DATE <u>01/28/02</u>	DATE
SIGNATURE OF INVENTOR 3	SIGNATURE OF INVENTOR 4
DATE	DATE

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1901 AVENUE OF THE STARS, SUITE 700

LOS ANGELES, CALIFORNIA 90067

(310) 734-5200

FAX (310) 734-5299

www.crosbyheafey.com

LOS ANGELES
(213) 457-8000

OAKLAND
(510) 763-2000

PALO ALTO
(650) 251-9880

SAN FRANCISCO
(415) 543-8700

WESTLAKE VILLAGE
(805) 777-8420

Stefan J. Kirchanski
Direct Dial: (310) 734-5403
E-mail Address: skirchanski@chrm.com

January 28, 2002

VIA EXPRESS MAIL, LABEL NO. EL 845469674 US

Box PATENT APPLICATION
Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231

Re: ASSERTION OF SMALL ENTITY STATUS
U.S. Patent Application No. (Not Assigned: Parent
09/395,466
Inventor(s) : Leland C. CLARK, Jr.
IMPLANTABLE GLUCOSE SENSOR
Filed : January 28, 2002
Atty. Docket No. : 25875.00120

Dear Sir or Madam:

The undersigned attorney hereby asserts that the Patent Application entitled "IMPLANTABLE GLUCOSE SENSOR" by Leland C. CLARK, Jr. filed on January 28, 2002 is entitled to Small Entity Status. The required inquiry to establish Small Entity (§ 1.27(a)) status has been made.

Very truly yours,

Stefan J. Kirchanski

Stefan J. Kirchanski
Of Counsel

SJK:kh